

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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|----------------------------------|---|--------------------------------|
| In re: |) | Chapter 11 |
| |) | |
| THOMAS MECHANICAL CORPORATION, |) | Case No. 08 B 19687 |
| |) | |
| Debtor and Debtor in Possession. |) | |
| |) | Judge Carol A. Doyle |
| |) | Hearing Date: October 13, 2009 |
| | | Hearing Time: 10:30 a.m. |

AGREED ORDER RE: DEBTOR'S
OBJECTION TO CLAIM #6 OF THE MCCLIER CORPORATION AND THE
MCCLIER CORPORATION'S MOTION TO ESTIMATE CLAIM #6

(DOCKET # 139, # 77 and # 179)
This matter coming on by agreement of the parties, due notice having been given, the Court being fully advised in these premises;

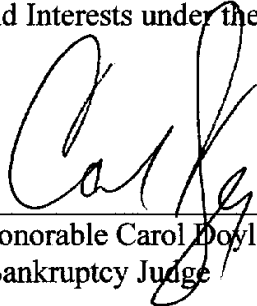
IT IS HEREBY ORDERED:

- (i) The McClier Corporation ("McClier's") claim is estimated at \$100,000.00 for the purposes of voting and estate administration. McClier agrees to file an amended ballot changing its vote in favor of the First Amended Plan of Reorganization dated July 4, 2009 and the Supplement and Amendment to the same.
- (ii) Upon adjudication of all claims in *Grundhofer v. The McClier Corporation, et al.*, Case No. 07-L-4979 (hereinafter "the State case"), Debtor waives any and all objections to McClier's reopening the Bankruptcy Case for the limited purpose of amending its claim #6 to reflect the actual damages sustained by McClier pursuant to 11 U.S.C Section 502(j).
- (iii) Debtor agrees that upon entry of this order, it will deposit \$500.00, to be held in the Forrest L. Ingram P.C. escrow account to be applied towards reopening of its Bankruptcy case for the limited purpose stated in article (ii) of this order.
- (iv) The court specifically retains jurisdiction to adjudicate the rights of McClier under 11 USC §502(j).
- (v) If upon adjudication of its claim in the State case, McClier's damages are \$100,000.00 or less, the Debtor waives any and all rights to object to McClier's amended claim.

- (vi) If upon adjudication of its claim in the State case, McClier's damages exceed \$100,000.00, Debtor reserves its right to assert contract defenses available to it as its objection to the amended claim.
- (vii) Upon either amendment or adjudication of the claim, McClier will receive 15% of its claim, pursuant to Article IV, "Treatment of Claims and Interests under the Amended Plan".

Dated: _____

10/13/09



The Honorable Carol Doyle
U.S. Bankruptcy Judge